

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

LAS VEGAS METROPOLITAN  
POLICE DEPARTMENT,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT FOR THE STATE OF  
NEVADA, IN AND FOR THE  
COUNTY OF CLARK, AND THE  
HONORABLE STEFANY MILEY,  
DISTRICT JUDGE,

Respondents.

and

AMERICAN BROADCASTING  
COMPANIES, INC.; THE  
ASSOCIATED PRESS; CABLE NEWS  
NETWORK, INC.; CHESAPEAKE  
MEDIA I, LLC, D/B/A KSNV-TV; LOS  
ANGELES TIMES  
COMMUNICATIONS, LLC; THE NEW  
YORK TIMES COMPANY; SCRIPPS  
BROADCASTING HOLDINGS LLC  
D/B/A KTNV-TV; WP COMPANY  
LLC D/B/A THE WASHINGTON  
POST AND LAS VEGAS REVIEW-  
JOURNAL,

Real Parties in Interest.

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**REPLY IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF  
PROHIBITION PURSUANT TO NRAP 21 AND 27(e)**

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## **I. INTRODUCTION**

The District Court exceeded its jurisdiction. Although the District Court maintains the authority to enforce the Orders pending appeal, it cannot modify, alter, or amend the Orders without utilizing the *Huneycutt* procedure. In other words, a District Court is prohibited from mandating additional provisions that were never contemplated by either the District Court or the Real Parties in Interest in this case.

Despite the District Court's attempt to craft an order that falls within its jurisdiction, the June 13th Order is well beyond its limited jurisdiction to enforce the Disclosure and Cost Orders. It is undisputed that the June 13th Order requires LVMPD to produce records not identified within the Disclosure Order. Had the District Court required production of lists, it would have ordered LVMPD to produce the lists first, prior to LVMPD undertaking such a costly and inundating task of producing all records on a rolling basis. That is just not the case. Certification of nonexistence of records was also not contemplated by the District Court when it issued the Disclosure Order. If that were the case, the Real Parties in Interest would have demanded such a certification after LVMPD's March 14th letter indicating which records it did not have within its custody or control, but they did not. While the District Court's written June 13th Order is silent on the production of FBI evidence logs, LVMPD requests that this Court review the

record as a whole and issue a Writ of Prohibition concerning production of the same. FBI evidence logs are governed by the Freedom of Information Act, not the NPRA.

Even if this Court somehow construes the lists, certification, and FBI evidence logs to be part of the Disclosure Order, the June 13th Order still exceeds the District Court's jurisdiction. Both the Disclosure Order and Cost Order require production of all records on a rolling basis. The new two-week timeframe to produce specific records implemented by the District Court directly conflicts with the Disclosure Order. Essentially, the June 13th Order prioritizes records and creates a new time period for LVMPD to comply.

Therefore, this Court should issue a Writ of Prohibition and vacate the June 13th Order. Additionally, LVRJ's appendix and references to additional documents, information, and arguments within its Response that are not part of the District Court record should not be considered by this Court in making its ruling.

## **II. ADDITIONAL RELEVANT FACTS**

It is quite convenient for LVRJ to now characterize its Contempt Motion as one for a status check, despite a complete lack of reference to a status check within its initial motion. *See* Response at p.4. Indeed, LVRJ's entire Motion was based on contempt proceedings. *See* 3 PA 517-518. The legal standard used for LVRJ's Motion solely relied on Nevada's contempt statute, NRS 22.030. *Id.* Thus, while

the District Court believes it did not entertain and rule on contempt proceedings, there can be no dispute that the District Court did, in fact, grant a portion of the requested relief within LVRJ's contempt motion. *Id.*; see also 6 PA 1158.

After the May 29th hearing, LVMPD sought emergency relief from the District Court's ruling. See Emergency Petition for Writ of Prohibition Pursuant to NRAP 21 and 27(e) ("Writ Petition"). At the time LVMPD filed its Writ Petition, the District Court had not issued a written order. See Writ Petition at n.1. On June 11, 2018, this Court directed the District Court to enter an order by no later than 4:00 p.m. on June 13, 2018. See June 18, 2011 Supreme Court Order. In accordance with this Court's Order, the District Court entered its order on June 13, 2018 at 1:53 p.m. (the "June 13th Order"). See 6 PA 1157-1162.

Without a doubt, the District Court's oral order greatly differs from the written order entered on June 13, 2018. Compare 5 PA 1064-1156 and 6 PA 1157-1162.<sup>1</sup> Nevertheless, the District Court exceeded its jurisdiction. See Writ Petition, *generally*. In the June 13th Order, the District Court claimed that it was enforcing previous Orders issued by the Honorable Judge Richard Scotti. 6 PA 1158 at ¶ 3. The District Court ruled as follows:

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<sup>1</sup> Importantly, the District Court essentially adopted the proposed order submitted by the Real Parties in Interest. See 7 PA 1163-1168.

- Production of any existing lists related to 911 call logs, transcripts, or audio recordings, including, but not limited to any list generated by LVMPD's computer-aided dispatch ("CAD") system.<sup>2</sup>
- Production of any existing lists related to body-worn camera footage, including, but not limited to any list generated by LVMPD's CAD system.
- Production of any existing lists related closed-circuit television cameras ("CCTV") or other security footage, including, but not limited to any list generated by LVMPD's CAD system.<sup>3</sup>
- Production of any existing lists related to evidence logs within LVMPD's possession, custody, or control.<sup>4</sup>
- Production of any existing lists related to the dispatch logs, including, but not limited to any list generated by LVMPD's CAD system.<sup>5</sup>
- Production of a certification identifying any categories of documents requested within the original public records request where no responsive documents exist.

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<sup>2</sup> At the hearing, the District Court did not make any mention of CAD in reference to the 911 calls. *See* 5 PA 1099-1107.

<sup>3</sup> The District Court did not include a reference to CAD with respect to the CCTV footage. *See* 5PA 1113-1119.

<sup>4</sup> In its oral ruling, the District Court specifically ordered production of the FBI evidence logs. *See* 5 PA 1119-1124.

<sup>5</sup> There was no oral order related to lists of dispatch logs. Rather, the District Court ordered CAD to be turned over. *See* 1123-1124. However, LVMPD has already turned the CAD over as Mr. Crosby indicated at the hearing. *Id.*



6 PA 1157-1159. Yet, nothing in the June 13th Order specifies what provisions within either of the previous Orders require production of lists or certifications. See 6 PA 1157-1162, *generally*.

### **III. LEGAL ARGUMENT**

#### **A. LVMPD HAS MET THE LEGAL STANDARD.**

This Court's intervention is necessary as the District Court exceeded its jurisdiction when it issued the June 13th Order. It is well established that a writ of prohibition is the appropriate remedy for a lower court's improper exercise of jurisdiction. See NRS 34.320; *see also Smith v. Dist. Ct.*, 107 Nev. 674, 818 P.2d 849 (1991). A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. See *id.* "Jurisdictional rules go to the very power" of a court's ability to act. *Pengilly v. Rancho Santa Fe Homeowners Ass'n*, 116 Nev. 646, 649, 5 P.3d 569, 571 (2000) (citations omitted). Furthermore, a writ of prohibition is appropriate to review contempt proceedings held by the District Court. *McCormick v. Sixth Judicial Court*, 67 Nev. 318, 218 P.2d 939 (1950). Even if effective alternative remedies exist, the Supreme Court may entertain a writ petition under urgent circumstances or when an important issue of law needs clarification and sound judicial economy and administration favor the granting of the petition. *Division of Child and Family Serv., v. Eighth Judicial Dist. Court*,

120 Nev. 445, 449, 92 P.3d 1239, 1242 (2004). For the reasons described below, LVMPD has met the legal standard for a writ of prohibition.

**B. THE JUNE 13TH ORDER CONFLICTS WITH THE DISCLOSURE ORDER.**

Essentially, the June 13th Order replaces the Disclosure Order as to the terms of production. First, the June 13th Order requires production of documents—the lists and certifications—never contemplated by the District Court or outlined within the initial public records requests. The Disclosure Order mandates production of actual records, including 911 calls, body worn camera footage, CCTV footage, and dispatch records. A cursory review of the record before the District Court demonstrates that neither the Real Parties in Interest or District Court considered the production of lists and certification of records. Surely, if that were the case, the lists and certification of records would necessarily be required to be produced first—prior to LVMPD undertaking such an inundating and costly task of producing records on a rolling basis. The District Court, however, never required production of lists because it ordered disclosure of all records it deemed public. Indeed, within LVRJ’s recently filed docketing statement, an issue it raises on appeal includes whether the District Court erred by not requiring LVMPD to produce a log documenting what records are responsive to the public records requests. *See* LVRJ’s Docketing Statement filed on June 8,

2018 in Supreme Court Case No. 75518. Thus, any lists of documents clearly were not ordered by the District Court and are entirely superfluous.

Likewise, the Disclosure Order does not require LVMPD to certify the nonexistence of records. After the March 7th hearing, the Parties met and conferred to discuss how production was going to proceed, as required by the District Court. *See* 1 RA 001-002; and 3 PA 553-555. On March 14, 2018 LVMPD informed LVRJ and the other media agencies that certain requested records, including purchase orders/no-bid contracts, dash cam footage, and evidence logs, did not exist. *See* 3 PA 553-555. Quite tellingly, none of the Real Parties in Interest raised any issue with LVMPD's response until nearly two months later at the May 29th hearing. Surely, if a certification was contemplated by the District Court, as LVRJ suggests, it would have requested a certification at the onset—but it did not.

Even if the Court were to construe the public records requests and the Disclosure Order as including “lists and certification” of public records, the June 13th Order still conflicts with the Disclosure Order. The terms of production are simple—all records, on a rolling basis. LVMPD has complied and continues to produce the requested records on a rolling basis. LVRJ sought to modify the timing and priority of records, which directly conflicts with the Disclosure Order. In other words, LVMPD is now mandated to produce specific “lists and

certifications” within a two-week time period—completely contrary to all records, on a rolling basis. As discussed in detail below, prior to the District Court entering an order modifying, altering, or imposing new requirements based on the initial Orders, LVRJ must utilize the *Huneycutt*<sup>6</sup> procedure.

**C. THE DISTRICT COURT CANNOT MODIFY THE DISCLOSURE ORDER WITHOUT FOLLOWING THE HUNEYCUTT PROCEDURE.**

LVMPD does not dispute the fact that the District Court has authority to enforce the Disclosure and Cost Order. The District Court, however, cannot modify or alter the Orders on appeal, including adding new provisions never contemplated initially, without this Court relinquishing its jurisdiction over the appealed Orders. LVRJ blatantly ignores Nevada precedent on this issue and relies on authority from the Ninth Circuit regarding a circuit court’s authority to modify orders where new facts develop, despite the order being on appeal. *See* Response at p. 25-27.

This argument fails for several reasons. First, this Court has explicitly addressed this issue in several cases. In *Mack-Manley*, this Court reiterated its holding in *Huneycutt* and ruled that if a party seeks to modify or alter an order that is on appeal, the District Court cannot grant the relief outright, but must certify its intent to do so. *Mack-Manley v. Manley*, 122 Nev. 849, 855-56, 138 P.3d 525, 530

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<sup>6</sup> *Huneycutt v. Huneycutt*, 94 Nev. 79, 575 P.2d 585 (1978).

(2006). The party moving to alter or modify the order must then request the Supreme Court to remand the order at issue. *Id.* If the Supreme Court remands the appealed order, the District Court retains jurisdiction to modify, alter, or amend the same. *Id.* Later, this Court clarified that, although the District Court lacks jurisdiction to grant a motion, it has jurisdiction to deny the motion. *Foster v. Dingwall*, 126 Nev. 49, 52, 228 P.3d 453, 455 (2010). Second, the cases relied on by LVRJ appear to be limited to federal courts and are not applied, generally, across the board. Third, there are no new facts that have developed since the Orders have been entered that would warrant a modification or amendment to the Orders. Even if there was, the *Huneycutt* procedure is the proper avenue to address such new facts. Finally, LVRJ misunderstands LVMPD's jurisdictional argument. LVRJ claims that there is simply no authority for the proposition that the District Court lacks jurisdiction over orders that have been appealed but have not been stayed. *See* Response at p. 25. LVMPD recognizes that the District Court retains jurisdiction to enforce the Orders in place. However, the District Court cannot modify, alter or amend the Orders on appeal, which is exactly with the June 13th Order does.

LVRJ's reliance on NRCP 62(c) is also misplaced. NRCP 62(c) grants the court authority to suspend, modify, or restore an order involving an injunction

while on appeal. Neither the Disclosure Order nor Cost Order were based on injunctive relief. Thus, NRCP 62(c) is not applicable.

LVRJ also argues that because LVMPD's appeal is allegedly moot, the District Court has authority to alter the Disclosure and Cost Order. It is quite telling that LVRJ now contradicts its own argument used in opposing LVMPD's request for stay. Because of the denial of LVMPD's request for stay, LVMPD was forced to comply with the Disclosure Order. LVRJ now contends that because of LVMPD's compliance with the Orders, it no longer has a justiciable controversy for appeal. See Response at pp. 28-29. This argument is entirely irrelevant to the issue at hand. The proper vehicle to address LVRJ's argument is through a motion to dismiss.

It is important that this Court recognize that nothing in the record supports the notion that Petitioners could narrow and prioritize the records it sought. As LVMPD has pointed out time and time again, LVRJ has failed to specify which provisions within the Disclosure Order require LVMPD to produce lists and certification within a specific time period. Put simply, the Disclosure Order completely lacks any reference to LVRJ's requests.

The District Court fundamentally altered the Disclosure Order when it issued its June 13th Order. As a result, the District Court exceeded its jurisdiction in granting a portion of LVRJ's Contempt Motion. At a minimum, the District

Court was required to certify its intent to grant the Contempt Motion and LVRJ should then seek remand of the Disclosure Order from this Court.

**D. CERTIFICATION IS NOT MANDATED BY THE NPRA AND REQUIRES THE CREATION OF A PUBLIC RECORD.**

In support of its argument that certification does not require LVMPD to create a record, LVRJ relies on the pre-litigation provisions of the NPRA. Particularly, LVRJ cites to NRS 239.0107(1)(b), which provides in part:

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of that fact; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

LVRJ somehow confuses “notice” with certification. Generally, if LVMPD does not have a record responsive to a request, it informs, i.e., notifies, the requester. LVMPD does not provide a certification that specific categories of records are non-existent. Nevertheless, LVMPD has fulfilled its obligation under the NPRA by providing notice to counsel on March 14, 2018 that certain records were not in its legal custody or control. *See* 3 PA 553-555. LVRJ attempts to argue that a certification is no different than an email from counsel. *See* Response at p. 31. If that were true, then the letter by LVMPD’s counsel should suffice as a certification that records do not exist.

LVRJ also asserts that LVMPD's recent production of AviSight documents demonstrates the need for a certification. *Id.* As a preliminary matter, the Court should not consider these documents or argument as the records produced were in response to a different public record request and are entirely irrelevant to the instant Writ Petition. *See Wynn Resorts, Limited v. Eighth Judicial District Court*, 399 P.3d 334, 340 at n.3 (2017) (declining to consider additional arguments that were not ruled on by the district court).

Nonetheless, if the Court is inclined to consider LVRJ's supplemental argument, it still fails. LVRJ initially requested emergency purchase orders/no-bid contracts on or after October 1, 2017. *See* PA 1:61-63. The AviSight records are not responsive to this request. *See* RA 037. As indicated by the records produced, and improperly included in LVRJ's appendix, LVMPD entered into a contract for services with AviSight in 2015. *See* RA 038-86. The 2015 contract provides, *inter alia*, for the costs of services rendered. *Id.* Particularly, AviSight was to provide services for both special events and emergencies. *See* RA 038-040. In the event LVMPD needed AviSight's services on an emergency basis, LVMPD would make a request, and AviSight would supply the service pursuant to the 2015 contract. *Id.* There were no separate purchase orders or no-bid contracts entered into or created for the 1 October emergency. *See* RA 038-086, *generally*. Rather, once AviSight performed its services in accordance with the 2015 contract, it invoiced LVMPD



the cost of the service provided. *See* RA 051. Thus, the AviSight records, which were requested in late May—months after LVRJ’s initial requests—are not relevant to certification or the instant case.

This Court has already determined that a governmental entity is not required to create a record in response to a public record request. *See PERS v. Reno Newspapers Inc.*, 129 Nev. 833, 834, 313 P.3d 221, 225 (2013). Certifying that records to a specific category do not exist requires LVMPD to create a public record not in its legal custody or control. LVMPD’s March 14th letter suffices as notice pursuant to NRS 239.0107. Thus, the District Court’s mandate that LVMPD provide a certification runs afoul of Nevada precedent and the NPRA.

**E. THE FBI EVIDENCE LOG IS NOT SUBJECT TO THE DISTRICT COURT’S JURISDICTION.**

Although the District Court ruled that LVMPD had to produce FBI evidence logs at the hearing, the June 13th Order provides that LVMPD must produce lists of the evidence logs it maintains in its possession, custody, control. To the extent the District Court is requiring LVMPD to produce the FBI evidence log, it lacks jurisdiction to do so. Similarly, the District Court applied the wrong standard as the NPRA requires governmental entities to produce public records within its legal custody or control.

**1. FBI Public Records are Subject to the Freedom of Information Act—Not the NPRA.**

In its initial ruling, the District Court required LVMPD to produce FBI's evidence log. *See* 5 PA 1119-1124. When the District Court issued its written order, it required LVMPD to produce a list of evidence logs in LVMPD's possession, custody, or control. 6 PA 1159. Before a court reduces its decision to writing, signs it, and files it with the clerk, the nature of the decision is impermanent. *Division of Child and Family Serv.*, 120 Nev. at 451, 92 P.3d at 1243. The court remains free to reconsider the decision and issue a different written judgment. *Id.* This Court, however, may review the record as a whole to determine the District Court's intent and findings in reaching its decision. *See Wynn v. Smith*, 117 Nev. 6, 13, 16, P.3d 424, 428-29 (2001) (reviewing the record as a whole, including the transcript, to determine whether the district court made findings regarding attorney fees as required by statute).

Given the contradictory rulings, LVMPD requests that this Court consider the transcript in interpreting the June 13th Order and issue a Writ of Prohibition concerning the FBI evidence logs. As discussed in detail in the Writ Petition, the Freedom of Information Act governs disclosure of federal public records—not the NPRA. Surely, the state public records acts do not apply to federal records by virtue of the FBI sharing information with state agencies. Thus, to the extent the

District Court's Order requires LVMPD to produce FBI evidence logs, which were created and are maintained by the FBI, it must be vacated.

**2. The District Court Applied the Wrong Standard Pursuant to the NPRPA.**

The June 13th Order improperly requires LVMPD to produce lists of evidence logs in its possession, custody, or control. The NPRPA requires LVMPD to produce public records within its legal custody or control. See NRS 239.0107. This Court first interpreted "legal custody or control" in *LVMPD v. Blackjack Bonding*, 131 Nev. Adv. Op. 10, 343 P.3d 608, 613 (2015). In *Blackjack*, the Court addressed whether LVMPD was in legal custody or control of telephone records held by CenturyLink. *Id.* LVMPD had contracted with CenturyLink to provide telephone services within the jail. *Id.* *Blackjack Bonding* sought the telephone records in accordance with the NPRPA. *Id.* The Court determined that when an agency has a computer program that can readily compile the requested information, an agency is not excused from its duty to produce and disclose information. *Id.* Because LVMPD contracted with CenturyLink and CenturyLink had the capacity to readily compile the requested information, this Court found that LVMPD had legal custody and control of the requested information. *Id.* Recently, this Court addressed a similar issue and relied on its *Blackjack* precedent. See *Comstock Residents Assoc. v. Lyon Cnty Bd. of Commr's.*, 134 Nev. Adv. Op. 19, 414 P.3d 318 (2018) (finding that the NPRPA cannot be read as limiting public

records to those that are physically maintained at a government location or on a governmental server and are immediately accessible to the public).

The issue this Writ Petition presents can be distinguished from this Court's prior holdings. LVMPD did not enter into a contract with the FBI to provide for some service. While LVMPD maintained jurisdiction over the investigation, the FBI took the lead over the evidence portion of the investigation, including creating and maintaining the evidence log and possession over all physical evidence. Whether LVMPD has access to the FBI's evidence log is irrelevant. As LVMPD suggests above, the FBI evidence log is subject to the Freedom of Information Act. Nevertheless, the NPRA specifically addresses the procedure for when other governmental agencies have legal custody or control of requested public records. *See* NRS 239.0107(1)(b). Pursuant to the NPRA, LVMPD informed the Real Parties in Interest that the FBI created and maintains the evidence log related to 1 October. Thus, the Real Parties in Interest must seek disclosure of the evidence logs from the FBI. Any other interpretation would surely inhibit governmental agencies from sharing information and working together. Pursuant to the NPRA, and for public policy reasons, documents created and maintained by the FBI are not subject to the Court's June 13th Order.

**F. THIS COURT SHOULD NOT CONSIDER DOCUMENTS, INFORMATION, AND ARGUMENTS NOT WITHIN THE RECORD BEFORE THE DISTRICT COURT.**

As a matter of law, this Court should not consider the documents, information, and arguments contained within LVRJ's Appendix and Response that were not part of the District Court's record. *See Wynn Resorts, Limited*, 399 P.3d at 340, n.3; *see also State ex rel. Sisson v. Georgetta*, 78 Nev. 176, 178, 370 P.2d 672, 673 (1962) (striking documents in a writ petition proceeding that were not part of the underlying court's record).

**1. LVRJ's Appendix (RA 003-086) Should Not be Considered by this Court.**

The instant Writ Petition pertains to the June 13th Order concerning the production of lists of responsive records, creation of a certification; and production of an FBI evidence log. *See* Emergency Petition for Writ of Prohibition on file herein. Despite the limited scope of the Writ Petition, LVRJ erroneously included unauthorized documents in its appendix: (1) an email exchange regarding LVRJ's improper request for lists of information that occurred on June 13, 2018 (RA 087-094); (2) AviSight records that were produced on June 13, 2018 (RA 037-086); and (3) its supplemental brief regarding NRS 239.011 filed on June 1, 2018 (RA 003-036). As a matter of law, these documents, which either were filed after the hearing or entirely absent from the District Court's record, cannot now serve to influence the June 13th Order.

**2. This Court Should Not Consider Portions of LVRJ's Response.**

In addition to intertwining the Appendix documents within its Response, LVRJ also included information and arguments on: (1) LVMPD's fourth production of records on May 30, 2018; (2) LVMPD's fifth production of records on June 6, 2016; (3) LVMPD's sixth production of records on June 13, 2018; and (4) for the first time, LVMPD's appeal is moot. See Response at pp. 11-14; 22; 28-29; and 31. This information was never before the lower court. Furthermore, LVRJ fails to indicate how any of this information is relevant or essential to understanding the matters within the instant Writ Petition. If anything, evidence of LVMPD's continuous production of records demonstrate that it has been compliant with the Disclosure Order. As indicated above, this Court should not consider supplemental information submitted by LVRJ that was not directly before the lower court in reaching its decision.

#### IV. CONCLUSION

Based on the foregoing, LVMPD requests that this Court issue a Writ of Prohibition concerning the District Court's June 13th Order.

Dated this 25th day of June, 2018.

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## **CERTIFICATE OF COMPLIANCE**

I hereby certify that I have read this petition, and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purpose. I further certify that this petition complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated this 25th day of June, 2018.

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **REPLY IN SUPPORT OF  
EMERGENCY PETITION FOR WRIT OF PROHIBITION PURSUANT TO  
NRAP 21 AND 27(e)** was filed electronically with the Nevada Supreme Court on the 25th day of June, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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I further certify that I served a copy of the **REPLY IN SUPPORT OF  
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NRAP 21 AND 27(e)** via U.S. Mail, postage prepaid, to the following addresses:

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*Respondent*

/s/ Leah Dell  
An employee of Marquis Aurbach Coffing